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Paper Number 18

In re application of :  
Hideo Yamanaka et al : DECISION ON  
Serial No. 09/646680 : PETITION  
Filed: September 20, 2000 :  
For: Film Forming Method and Film Forming Apparatus :

This is a response to the PETITION TO WITHDRAW THE RESTRICTION REQUIREMENT UNDER 37 CFR § 1.144. This will be considered as a request for reconsideration of the prior decision issued on November 27, 2002.

**DECISION**

Prosecution on the merits was re-opened by the examiner in a non-final office action, mailed June 3, 2003, subsequent to applicant's filing of an appeal brief. In the office action, the examiner maintained the finality of the restriction requirement but issued a new art related ground of rejection. As such, the prosecution, with respect to the restriction requirement was not reopened. Applicant has only argued that since prosecution was reopened, a reconsideration of the restriction requirement is in order. No new substantive arguments with respect to the requirement. This is not the case and as such no reason is found to reconsider the previously issued petition decision.

The Petition is **DISMISSED**.

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